

Application No.: 09/898,136

Docket No. D02570-04

REMARKS

A. Status of the Application

Claims 1-21 were under consideration in the instant application.

With this response the Applicant has requested the amendment of Claims 1-4, and that cancellation of claims 5-21.

The Applicants had responded to a June 7, 2005 Office Action with a non-compliant response on December 2, 2005. The response was properly deemed non-compliant by the Examiner for Applicants' failure to provide a proper status identifier for Claim 21. That omission has been remedied with this response.

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B. Claim Elections

The Examiner had requested that Applicants "point out the supposed errors in the restriction requirement" which was mailed to Applicants on January 21, 2005. Applicants have elected to pursue Invention I (Claims 1-21), and find no error in the Examiner's request for restriction. Applicants elect to pursue Claims 22-35 in a separate application.

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C. Priority

Applicants had claimed priority to U.S. Provisional Applications 60/263087 and 60/243925 in error. This was done as a consequence of an internal record keeping error by Applicants. The Examiner is thanked for suggesting correction, and all reference to these provisional applications has been removed from the specification with this response.

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D. Rejections of the Claims under 35 U.S.C. § 112

The Examiner rejected Claims 3 and 8 under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner noted that the recitation of "the pre-encrypted content" in Claim 3 lacked antecedent basis, as did the recitation of "the first and second control messages" in Claim 8.

Applicants respectfully suggest that Examiner intended to state that Claims 4 and 8 (not 3 and 8) had such improper recitations. Applicants amended Claim 4 with this response to overcome this rejection. Claim 8 has been canceled.

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E. Rejections of the Claims under 35 U.S.C. § 102

The Examiner rejected claims 1-6, 9-13 and 18-21 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,157,719 ("Wasilewski"). In doing so the Examiner contended that Wasilewski teaches transport video streams that are authorized, and the transport of authorized messages. The Examiner found support for this position in Wasilewski's disclosure that "elementary streams" can include both video, audio, and *other data*. (col. 1, lines 27-35).

While the Applicants do not share the Examiner's opinion that the type of conditional message transmission and authorization disclosed in the instant application can be properly inferred from a single reference to "other data", they have requested the amendment of Claims 1-4 so as to further clarify the invention, and clearly differentiate it from Wasilewski.

Amended Claim 1 (the only pending independent claim) now clearly describes a method wherein a single fictitious address is stored in multiple access systems associated with a single encryption renewal system. Wasilewski stores different virtual addresses, each being associated with a particular SEES.

Furthermore, amended Claim 1 also calls the encryption, encapsulation, and encoding of a message as if it were to be forwarded to a single fictitious address. These steps do not take place in the system disclosed by Wasilewski. Wasilewski teaches a very different system wherein multiple fictitious address are employed to transfer information to multiple SEES.

Applicants submit that with the amendment of Claims 1-4, Wasilewski cannot be viewed as effectively anticipating the claimed invention.

Reconsideration is respectfully requested.

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F. Rejection of the Claims under 35 U.S.C. § 103

Claims 7-8 and 14-17 have been rejected as unpatentable under 35 U.S.C. § 103(a) over Wasilewski in view of EBU Project Group B/CA ("EBU"). The pending amended claims are clearly distinguishable over Wasilewski, and, in fact, Wasilewski teaches away from the Applicants' invention. Any reasonable combination of Wasilewski with EBU could not result in the Applicants' invention. Again, reconsideration of the rejection is respectfully requested in light of the present amendments.

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CONCLUSION

The presently amended claims are believed to patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

By: 

Robert P. Marley
Registration No.: 32,914

Motorola Connected Home Solutions
101 Tournament Drive
Horsham, PA 19044
(215) 323-1907